

Hi Griff (Fenton, Chair, Lamoine Board of Appeals)

It is my understanding that the Appeals Board will be meeting on October 1. At its September 11 meeting, the Board of Selectmen suggested that I write to you to share my request that the Appeals Board seek an opinion from the town attorney regarding the nature and scope of an appeal permitted under Section M of the Site Plan Review Ordinance.

On page 4 of the 6/11/2014 appeal on behalf of Harold MacQuinn, Inc. from the Planning Board's 5/13/2014 denial of an expansion of gravel operations (Kittridge Pit) on Map 3/Lots 31 & 33, Attorney Edmond Bearor writes: *It should be noted that it is Harold MacQuinn, Inc.'s contention that the Standard of Review in both the Site Plan review Ordinance and the Gravel Ordinance is a 'de novo' hearing on the issues raised on appeal.*

It is the opinion of the Planning Board that Section M of the Site Plan Review Ordinance does not provide for a 'de novo' appeal but, rather, limits the appeal to matters of administration and interpretation of the standards of review on the part of the Planning Board.

In light of such disagreement, it would seem prudent that the nature of the appeal which the Appeals Board can conduct under the Site Plan Review Ordinance be clarified for all parties, including the Appeals Board, prior to conducting the appeal.

Thank you for considering this request. I look forward to your response.

Sincerely,
John (Holt, Chair, Lamoine Planning Board)